



PATENT APPLICATION
Docket No. 2553.2.3

**DECLARATION OF MICHAEL M. EVANS
UNDER RULE 132**

1. I, Michael M. Evans, hereby declare that Lewis M. Evans (hereinafter "Lewis") and myself are co-owners of Bartile Roofs, Inc. and its licensor, Evans Brothers Investments, a company of the state of Utah that owns certain trademarks, patents, and patent applications, including the instant patent application; I have a residence at 232 East 1875 North, Centerville, Utah 84014; and I am a co-inventor of the claimed subject matter of U.S. Patent Application Serial No. 10/725,991, filed December 2, 2003 and entitled AGED ROOFING TILE SYSTEM.
2. I further declare that Bartile has been a manufacturer of roofing tiles since 1942.
3. Evans Brothers Investments owns patents and patent applications directed to roofing tiles under which Bartile manufactures concrete, extruded tile.
4. Being familiar with the prior art cited by the examiner, it is my opinion that the instant invention cannot be achieved by such manufacturing processes to provide, at the time of manufacture, the structures of the invention nor its effect of the appearance of moss-overgrown shakes, shingles, or tiles or of lichen-overgrown shakes, shingles, or tiles such as may occur after decades, after a century, or longer of aging in service.
5. A customer delayed the replacement of their roof, because no roofing product could match the look of their old wooden shakes with moss and lichens distributed about in a quaint and random pattern over several decades; in accordance with the instant invention, we obtained several of the actual shakes from the old roof and developed a custom color, pattern, and overall appearance that matched the look of the old roof, a look that was not possible to duplicate in any other technology known to us in the tile industry.
6. Another customer reported that he saw a house roofed with the tile of the instant invention and called Bartile to find out if they knew of the type of roof, or if they made such a roofing product; in speaking with Bartile, his description of the details of the roof, the neighborhood, and the address location described Lewis' own house, and he requested a roof that looked exactly like it and purchased one forthwith.
7. Another customer actually brought rocks to the Bartile facility asking if it would be possible to replicate the look of colors and patterns formed by the rock with its scattered, colorful, aging lichen colonies, which Bartile did with a custom tile made in accordance with the invention.

9. A co-inventor and builder, Jim Brasher approached Bartile about helping to develop such a tile because he was trying to achieve the 300-year-old appearance of actual European country homes; he reported that he had been searching in Europe and the U.S. for over three years without success to find a roofing product or a manufacturer able to provide that appearance as manufactured, and lacking 300 years to wait to achieve the appearance; together, we experimented to find a process and materials to re-create that appearance in a new tile in accordance with the instant invention.

10. Another customer requested and was provided with tiles made in accordance with the instant invention wherein at least one of the accent colors of the medallions was selected as an arbitrary color matching and drawing out the color of the exterior stucco wall of the house on which it was to be installed, thus creating a product not available from any other manufacturer.

10. In the 66 years that Bartile has been in the business of making and selling roofing tile, it has created and offered hundreds of tile designs in a substantially stable industry characterized by its lack of dramatic changes in technology, marketing, or the like; however, in the few years since the filing of the patent application and introduction of the tile made in accordance therewith, this new tile has been extremely successful, much more successful than any other tile in our line, and now represents a disproportionately high twenty percent (20%) of Bartile's volume of tile shipped and a more disproportionate forty percent (40%) of its profit, much of which has been achieved with word-of-mouth advertising and inquiries directed to homeowners having such roofs installed, such as those shown in the attached exhibit A from the Bartile catalog.

11. Lewis and I have 43 and 30 years, respectively, of personal experience and knowledge of the manufacturing processes, markets, technologies, and business of roofing tile; we have not seen any process or product to approach the appearance of tiles made in accordance with the instant invention; new European tiles that provide a primitive appearance cost on the order of three to ten times as much as tiles of the invention sold by Bartile, as do old recycled tiles from U.S. buildings, while European tiles having a naturally aged, ancient appearance from hundreds of years of service are available only by recycling salvaged roofing tiles from old buildings at a prohibitive cost and on a case by case basis.

12. The Shills reference (U.S. Patent No. 4,748,471) is assigned to Monier Roof Tile Inc., which advertises its tiles, which I have inspected both in published information and as actual tiles distributed by Monier, installed, and removed from such installations, which tiles I have determined to be manufactured in accordance with the methods and apparatus disclosed in Shills, examples of which are shown in Monier advertising pieces attached hereto as Exhibits B, C, and D; as can be seen from the exhibits these tiles do not replicate, teach, nor otherwise suggest the methods and products achieved by the instant invention.

13. The foregoing market response, comments, experiences, and premium value demonstrate the commercial success of tiles in accordance with the invention.

14. Also, these facts demonstrate that the success of tiles made in accordance with the invention is also a direct result of the nonobviousness, novelty, and unsatisfied, long-felt need for a tile that has the aged appearance immediately from the date of manufacture, in accordance with the invention.

15. Moreover, the need was recognized in the demand for and value of recycled tiles and the development of the market for them demonstrate the persistent need, as one builder commented that the need has existed for decades since the turn of the 19th to the 20th century for rustic homes. Likewise, the need was unmet and the problem unsolved as the demand for tile in accordance with the invention was unsatisfied while the market for recycled tiles built up, but only with substantially higher costs. Thus, the only means to satisfy the need failed to provide the actual satisfaction of need as a tile with the aged look at the time of manufacture at a cost comparable to other tiles at manufacture.

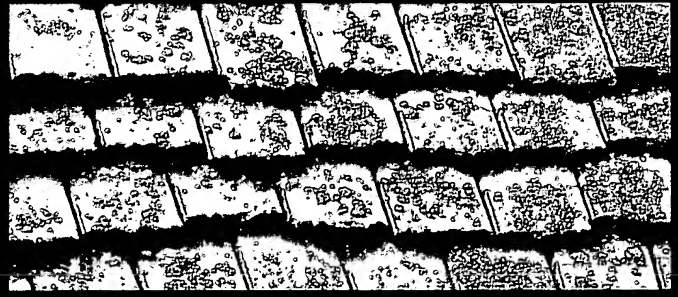
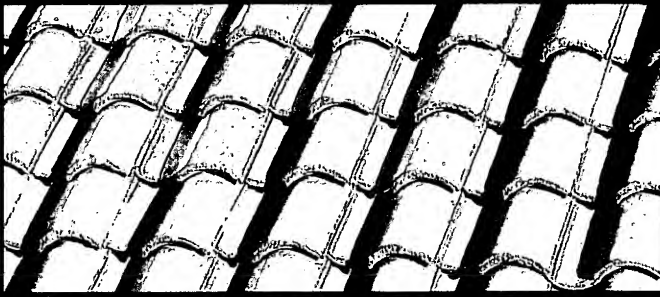
Signed at Centerville, Utah this 9th day of December, 2008.



Michael M. Evans

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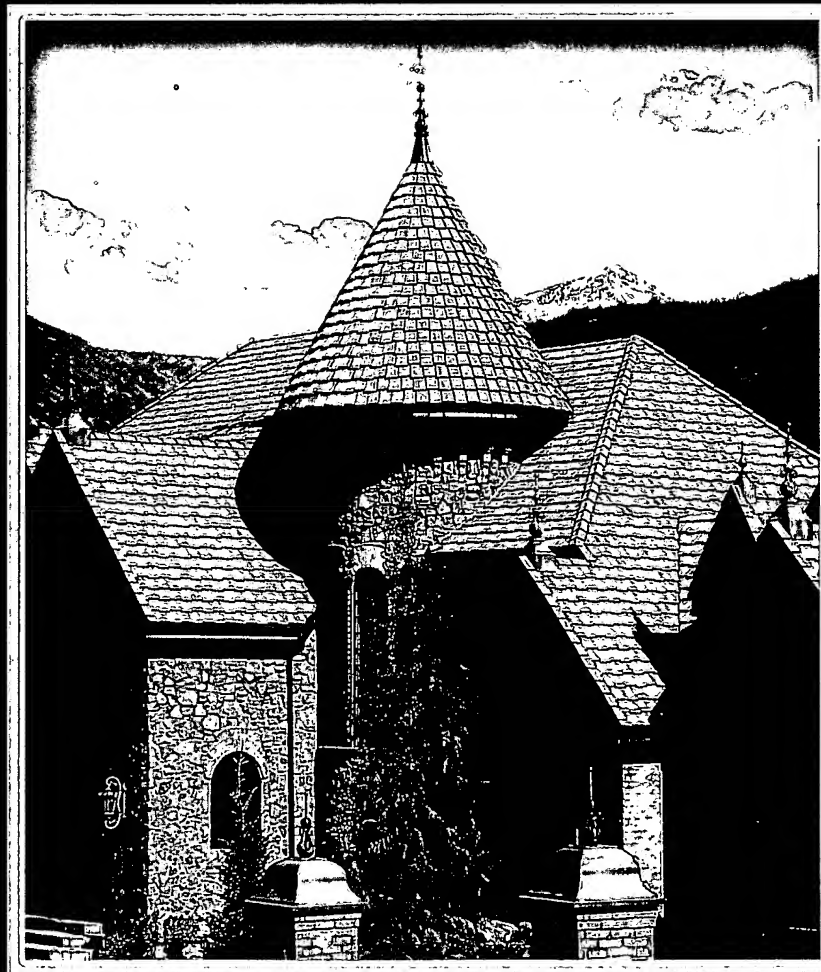
EXHIBIT A



BARTILE

PREMIUM ROOF TILES

The difference between ordinary and extraordinary



CONTENTS

2/3	Bartile History
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16/17	Legendary Series Legendary Slate
18/19	Legendary Split Timber Color Palette
20	Technical Specifications

A
TRADITION
OF
EXCELLENCE
SINCE
1942

For centuries, master craftsmen have created roof tiles with exceptional durability and beauty. Their hand hewn slate and hand crafted clay tiles have inspired the unique look that discriminating buyers seek.

Through the last sixty-five years, Bartile has perfected the art of custom tile creation.

With it's unique blend of innovation and creativity, Bartile has set the standard for custom colors and matchless styles. Our palette of colors and blends is limited only by your imagination. We have created over five-hundred custom colors to match the colors our customers have desired. The vast array of color choices together with our unique blending process and textured styles give you the freedom to create the distinctive look you have been longing for. Whether it be old world styling or a new age look you are after, Bartile can create the roof of your dreams.

75 YEAR LIMITED WARRANTY.

Our customer service gives you the assurance that the look you desire can be created and will last through the decades. Our tile has a Seventy-Five year limited warranty that offers the peace of mind that no other roofing product can match. Our commitment to customer satisfaction is unparalleled. Since 1942, we at Bartile have understood that our customers desire the finest products combined with the comprehensive service that will keep their family coming back for generations.

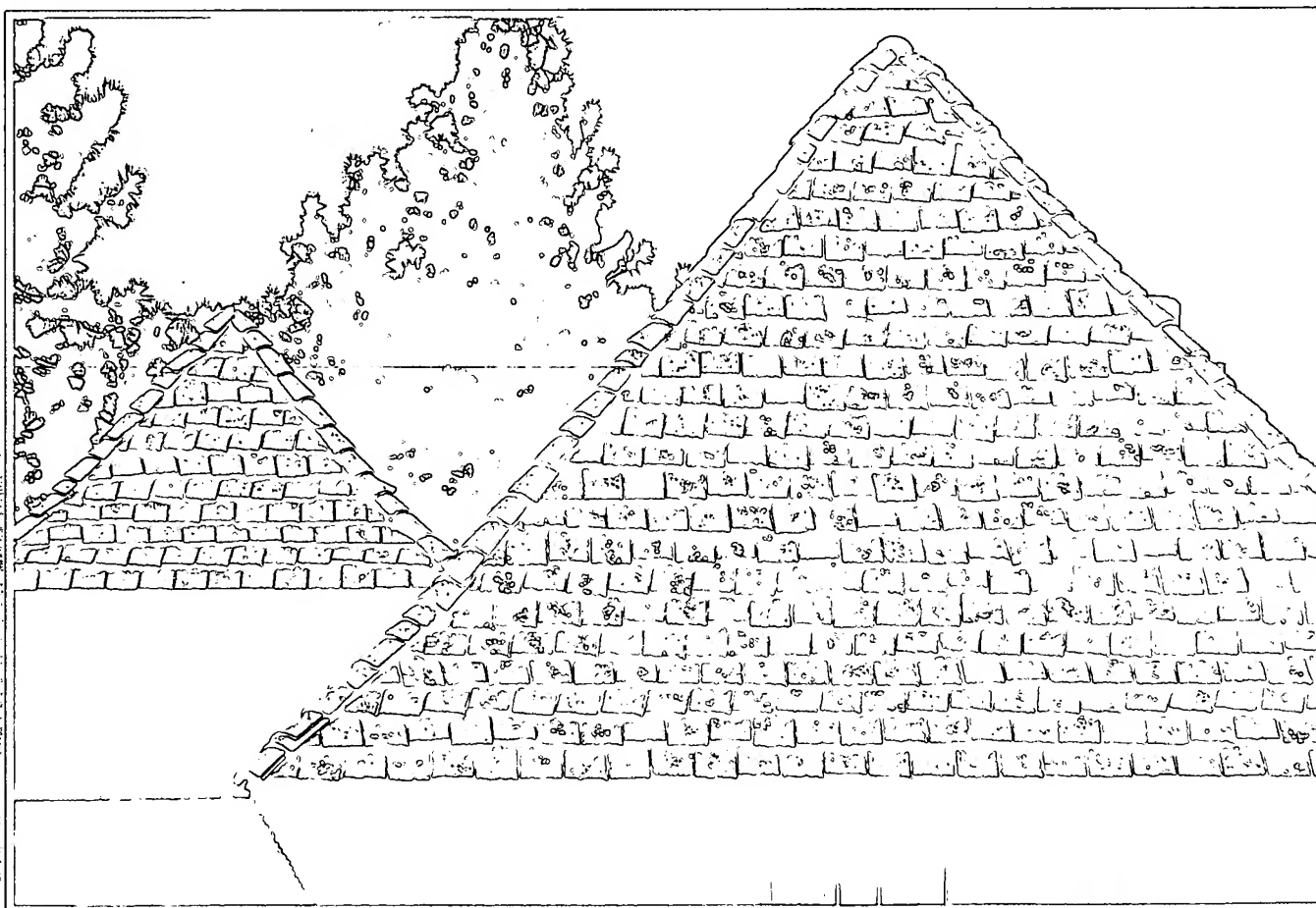
EXCLUSIVELY

AT BARTILE

OLD WORLD INTAGE ARTISAN SURFACE TEXTURES

*PATENT PENDING

Inspired by the European Countryside of long ago, these uniquely beautiful tile surface textures reveal the age old process of handcrafting each tile individually. We weave distinctive color & texture to give every tile the uniqueness sought after by today's most discriminating buyers. Our tile artisans take the source of your inspiration, whether it be a photo of a French cottage or an aged wood shake from your old roof, then craft a tile to create the look you desire.





#1696 VINTAGE SLATE
Random Cottage Ruffcut

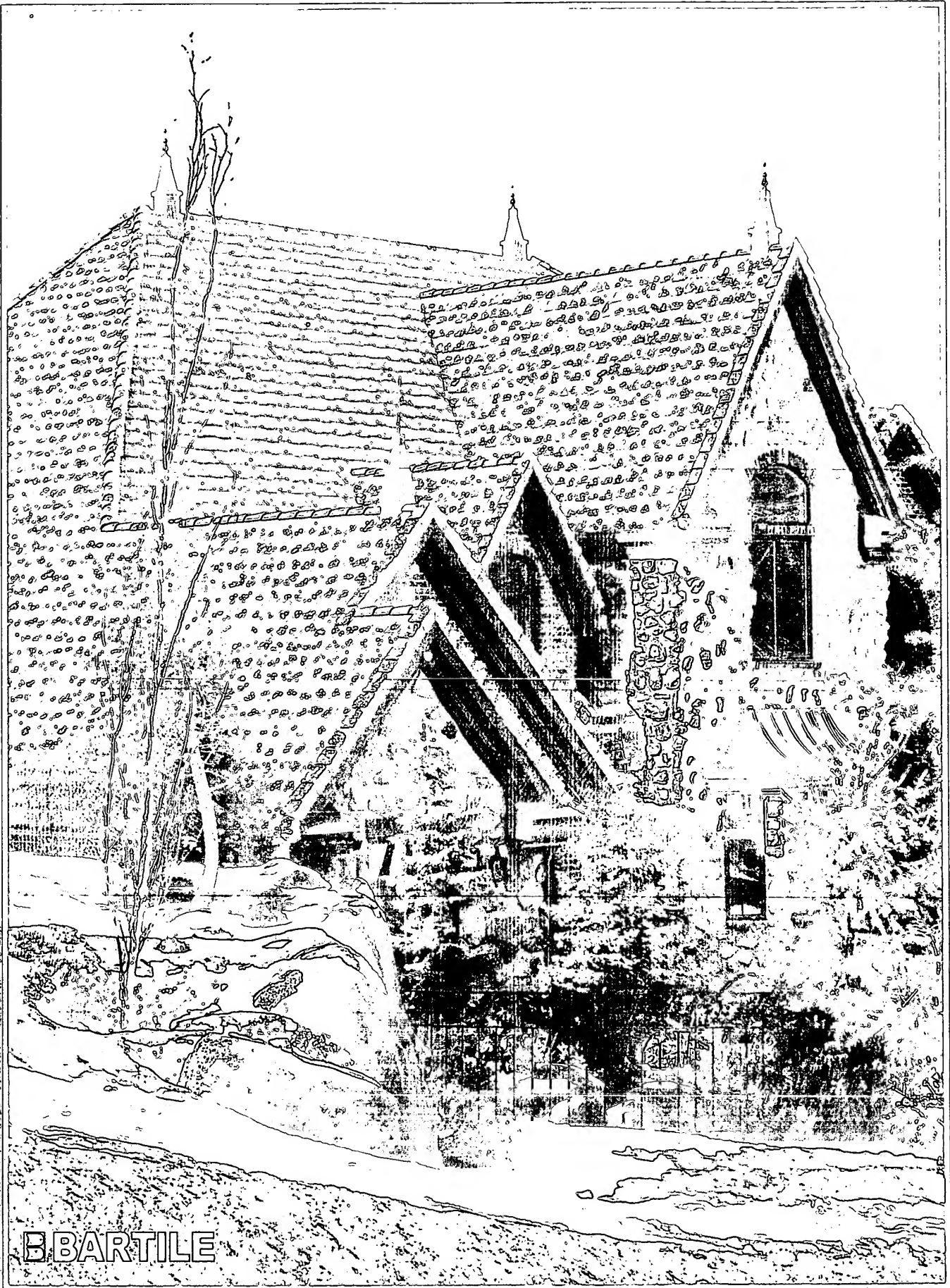
Exclusive Vintage Features

Hand brushed finish makes each tile uniquely different

Hand spackled with colors you select to simulate moss and lichen growth

Ruffcut edge gives each tile the look of hand hewn slate

Random cottage stagger gives the installer the ability to achieve a random aged look



B.BARTILE

#1611 VINTAGE SPLIT TIMBER
Random Cottage Rustic

EXCLUSIVELY AT BARTILE

OLD WORLD INTAGE

*PATENT PENDING

ARTISAN SURFACE TEXTURES

The Vintage surface texture can be applied to any of the following Bartile tile styles. Our skilled artisans uniquely craft each tile, resulting in a roof that is a work of art.

Styles Available

VINTAGE SLATE

Our Vintage Slate styles offer the feel of century old hand chiseled slate. Also available in Manchester & Newcastle cut

VINTAGE OLD MISSION

The Vintage Old Mission style conveys the true look of aged two piece clay tile

VINTAGE SPLIT TIMBER

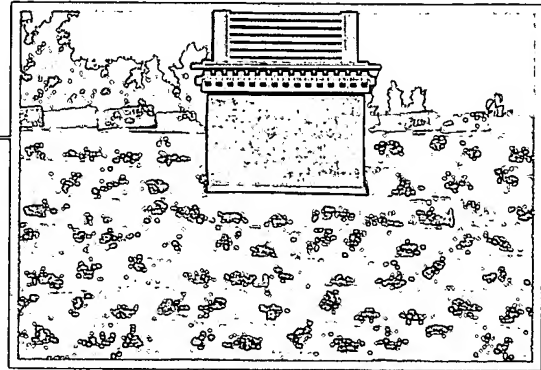
The Vintage Split Timber style adds even more texture and shadowing to further the feel of a time worn shake roof

VINTAGE SIERRA MISSION

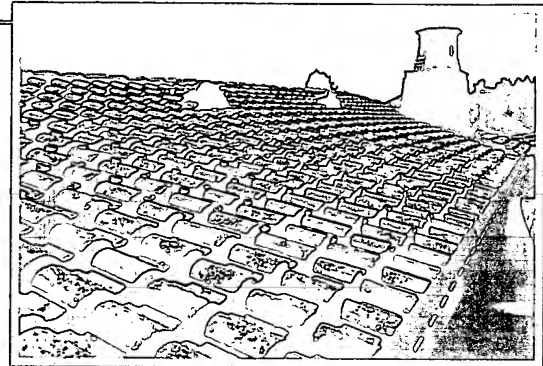
The Vintage Sierra Mission styles create the appearance of the aged clay of old Spain

VINTAGE EUROPEAN

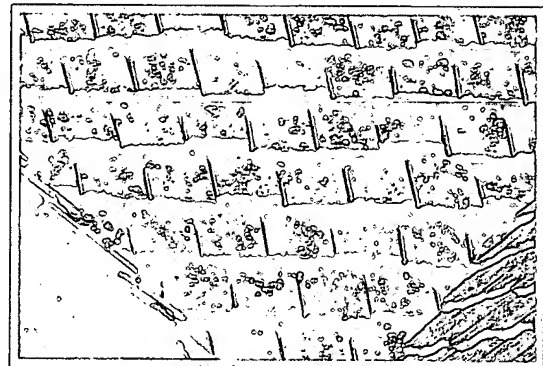
The Vintage European style is the perfect way to create the antique elegance of aged barrel tile



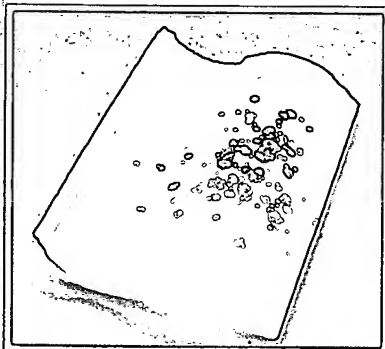
#1607 VINTAGE SPLIT TIMBER
Random Cottage Ruffcut



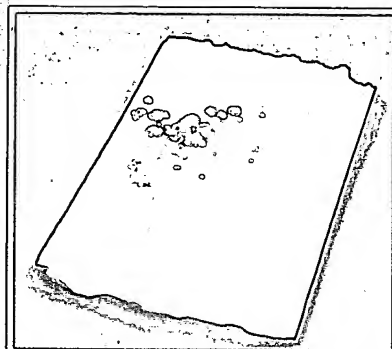
#1642 VINTAGE OLD MISSION



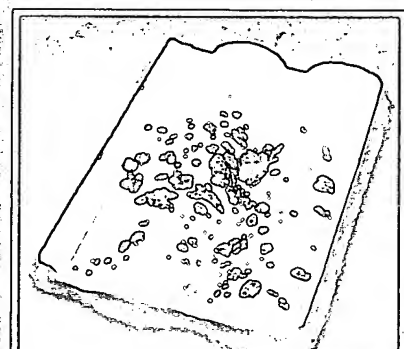
#1696 VINTAGE SLATE HEAVY MOSS
Random Cottage Ruffcut



VINTAGE SIERRA MISSION



VINTAGE SLATE
Random Cottage Ruffcut



VINTAGE EUROPEAN

THE B
HEART
BLE E
BEART
LE B
BART
LE H
BART
LE B
BART

(Salt Lake City, Utah)

725 North 1000 West, Centerville, UT 84014

Tel: 1-800-933-5038 or 801-295-3443 FAX: 801-295-3485

www.bartile.com

75^{YEAR}

Limited Warranty

For specific details and limitations, a written warranty is available upon request.

TECHNICAL DATA

Bartile publishes an installation guide to inform the installer of various options and factory recommendations. The installer shall be responsible for the installations and adherence to local code requirements.

FREEZE THAW TESTING

Bartile roof tiles meet ASTM method C67-83 for high cycle freeze thaw.

WEIGHT

Available in standard weights and Ultralite. Standard weight is approximately 10.5 lbs. per Sq. Ft. Ultralite is approximately 7.5 lbs. per Sq. Ft.

PERMEABILITY

Bartile meets the 2 inch static head permeability test requirements in excess of the 24 hr. requirement. See AC-07, ASTM C-1167.

FIRE TESTING

Bartile roofs are completely incombustible, surpassing Class A Fire testing and uniform building code standards.

FOOT TRAFFIC

Though Bartile is a state-of-the-art, high strength product, it is advisable to avoid foot traffic on the roof. Should it be necessary to walk on the roof, step on the bottom 3 inches of the course overlap. If a tile becomes broken, it is generally very easy to replace without the use of special tools.

SIZE AND COVERAGE

Split Timber, New England Slate, and European tile have a nominal overall size of 10 3/8" X 15". At the recommended 3" minimum headlap, 122 field tiles will cover 100 Sq. Ft. of roof area and 118 field tiles with Sierra Mission. Cottage, Manchester, New-castle, Old Mission require 12% - 15% additional tile, depending on actual layout. Legendary tile is 75 pcs. per 100 Sq. Ft.

CUSTOM PRODUCTS

Bartile prides itself in having the finest research and development program in the industry. New and custom profiles and accessories are being developed in an ongoing program. Call for solutions for your projects.

CODE APPROVALS

Bartile roof tiles comply with all building code requirements, including but not limited to ICC evaluation Report Number 3909.

RELATED COMPONENTS

Bartile stocks a complete line of accessory materials for tile roofing, including underlayments, roof vent products, sheet metal, battens, copper, lead, aluminum, and sealants.

EFFLORESCENCE

Bartile provides a coating on the surface of the tile which is designed to resist the common phenomenon on concrete products called efflorescence, or "lime bloom." Should efflorescence occur, it is temporary and does not affect the integrity or performance of the tile. The seal coat should last two to three years, well beyond the normal efflorescence stage.

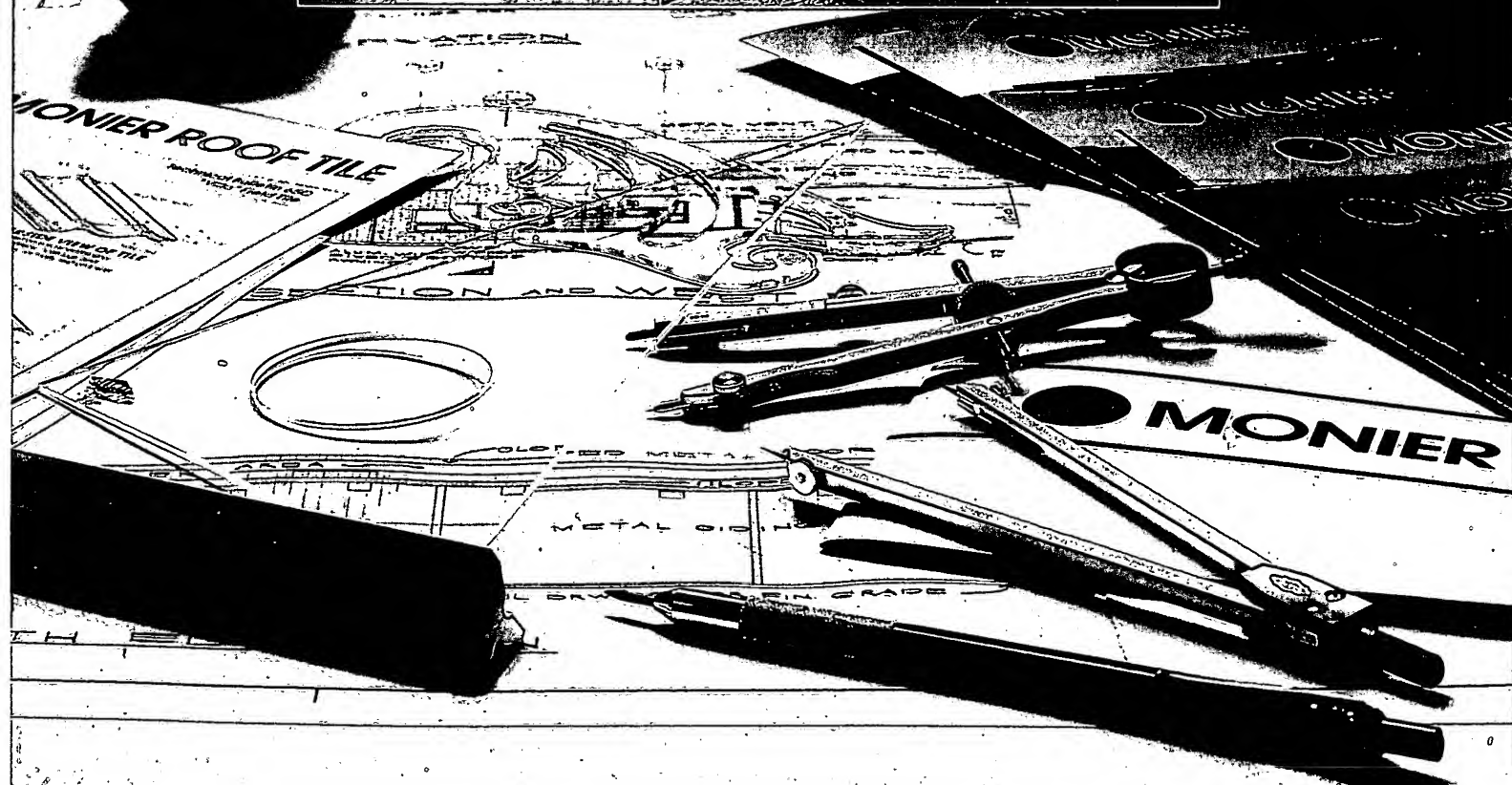
EXHIBIT B



MONIER ROOF TILE

07320/MON

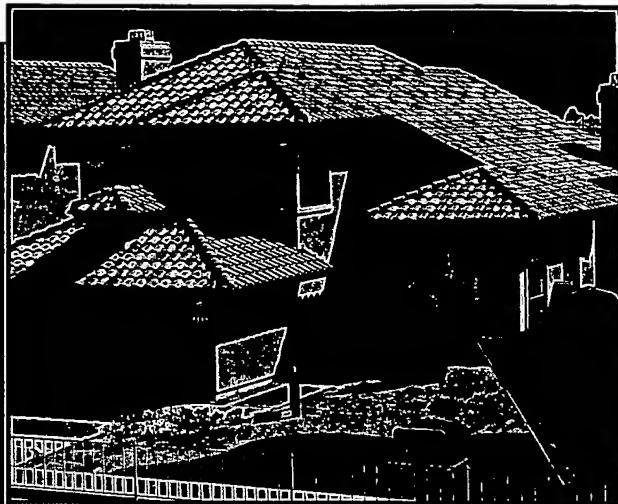
Buyline 5293





MONIER ROOF TILE—

From graceful curving profiles to...



MISSION "S" ROOF TILE Here is the most dramatic and yet traditional of all bold, high-Barrel profiles, clearly reflecting its early Spanish origins. This is classical sun-belt roofing offering all the charm of clay, but not its cost. Individual tile size is scientifically designed to permit maximum design creativity and impact. Although we show four color variations here, there are many more... authentic early Mission colors through natural hues.

These are manufactured in the following Regions: Southern California, Southwest and Southeast (See Availability chart on back page).



Mission
Terra Cotta
Flashed



Mission
Terra Cotta



Mission
Gold
Flashed



Mission
Red



ROMA ROOF TILE The gently rolling profile of Roma and the down-to-earth range of its colorations—far broader than the few shown here—make it an architectural favorite in virtually all settings. Roma offers a versatility that complements perfectly, regardless of the environment or the design of the building it adorns. Most popular colors range through woodtones to earthtones.

Roma is manufactured in the following Regions: Northwest, Northern California, Central South and Hawaii (See Availability chart on back page).



Chestnut
Brown



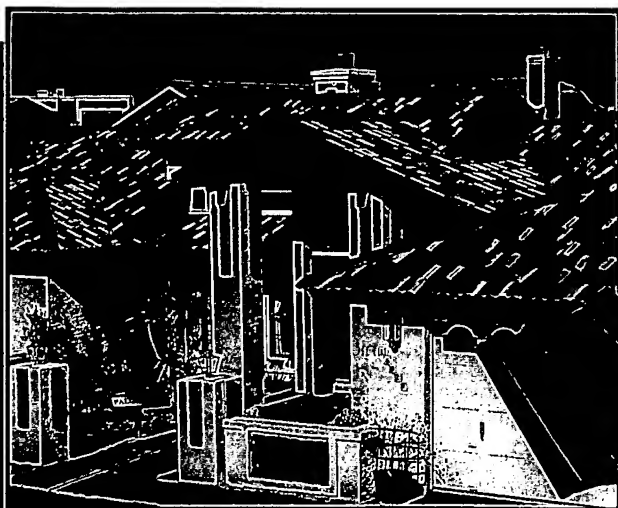
Sequoia



Shadow
Gray



Adobe



VILLA ROOF TILE Villa, combining personality with poise, is the most popular roof tile in the world. It offers a striking, high-barrel profile, making a definitive statement but with pleasing, harmonious lines. The Villa is equally at home when used with Spanish architecture as it is in a traditional setting. By utilizing the very attributes that makes Villa a favorite for residential applications, it will provide striking curb-appeal for commercial and industrial buildings too.

Villa is manufactured in the following Regions: Northern California, Southern California, Southwest, Central South, Southeast and Hawaii (See Availability chart on back page).



Terra Cotta
Flashed



Mission Bronze
Flashed



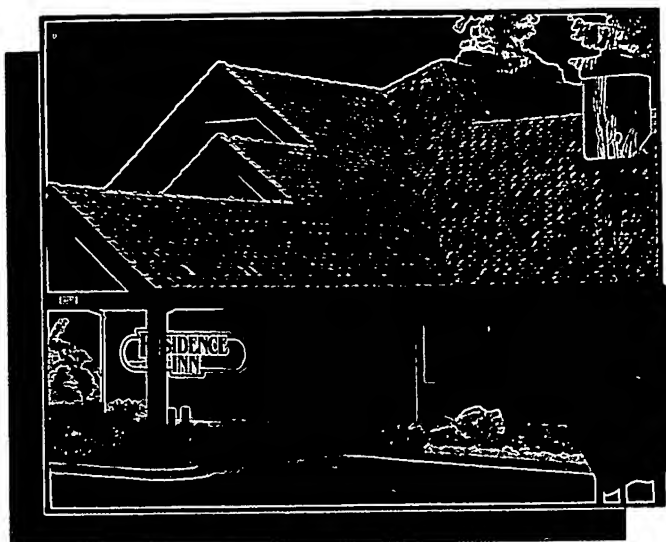
Chestnut Brown



Mission Red

WE COVER THE COUNTRY

...the timeless charm of the traditional.



CLASSIC "100" ROOF TILE This elegant, well defined tile is "at home" in a variety of old world residential and commercial styles—primarily the lovely Georgian, Gothic and Tudor structures that have characteristic in the Pacific Northwest. The Classic "100" has a distinctiveness all its own and performs exceptionally well in wind and rain conditions. It is fungus-resistant, will not burn and is easy to install. Prices are very competitive with wood shake... the Classic "100" has none of wood's drawbacks.

Classic "100" is manufactured in the Northwest Region (See Availability chart on back page).



Chestnut Brown



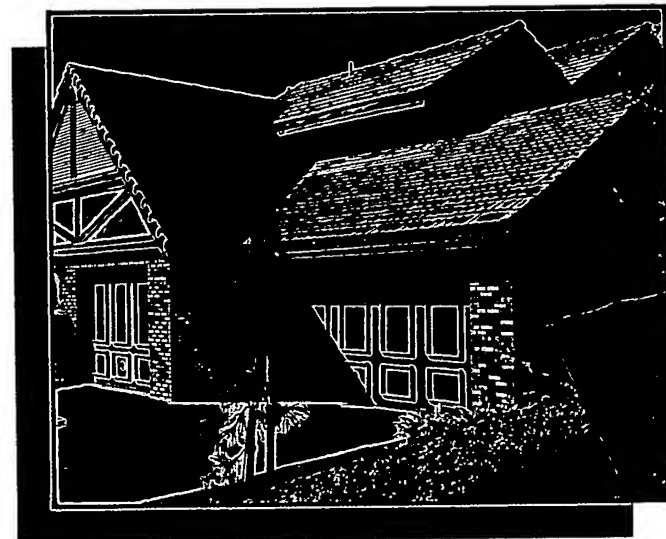
Woodtone III



Shadow Gray



Charcoal



HOMESTEAD ROOF TILE The traditional country-cottage grace of a roof that once was available only in wood has been faithfully reproduced—and enhanced—with Homestead. Unlike wood, this beautiful tile will not have to be replaced and maintained like wood shakes and shingles... and it is impossible to burn. Further, it provides significant savings over pressure-treated fire retardant wood shake and shingle.

The Homestead offers old-world charm with the associated benefits derived from today's most advanced roofing product.

Homestead is manufactured in the following Regions: Northwest, Northern California, Southern California and Southwest (See Availability chart on back page).



Charcoal



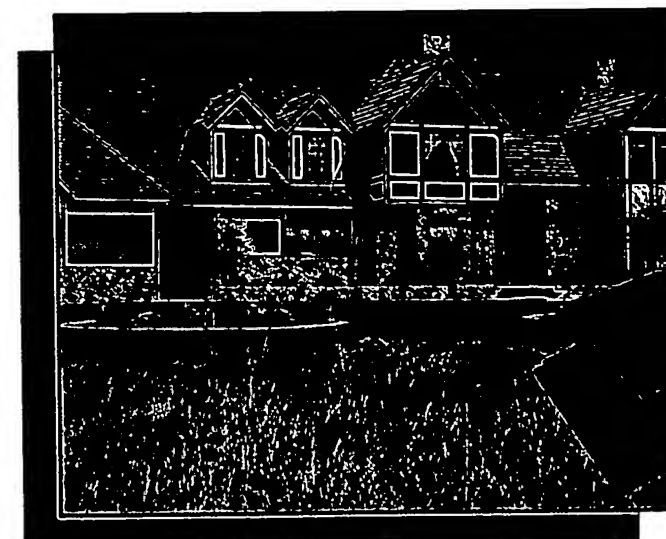
Natural Brown



Cedar Tan



Charcoal Gray



SHAKE AND SLATE ROOF TILES

These perennial favorites are produced in a form far excelling the products they replace. Monier Shake is completely fireproof, requires little maintenance and is considerably more economical than pressure-treated fire retardant wood shake and shingle. With the slate tile, Monier brings the timeless allure of traditional slate but in a modern form that is perfect for such period architecture as Colonial, Tudor, Victorian and Williamsburg—at a fraction of the cost.

Shake and Slate tiles are manufactured in the following Regions: Northern California, Central South, Southeast and Hawaii (See Availability chart on back page).



Shadow Gray Shake



Chestnut Brown Shake



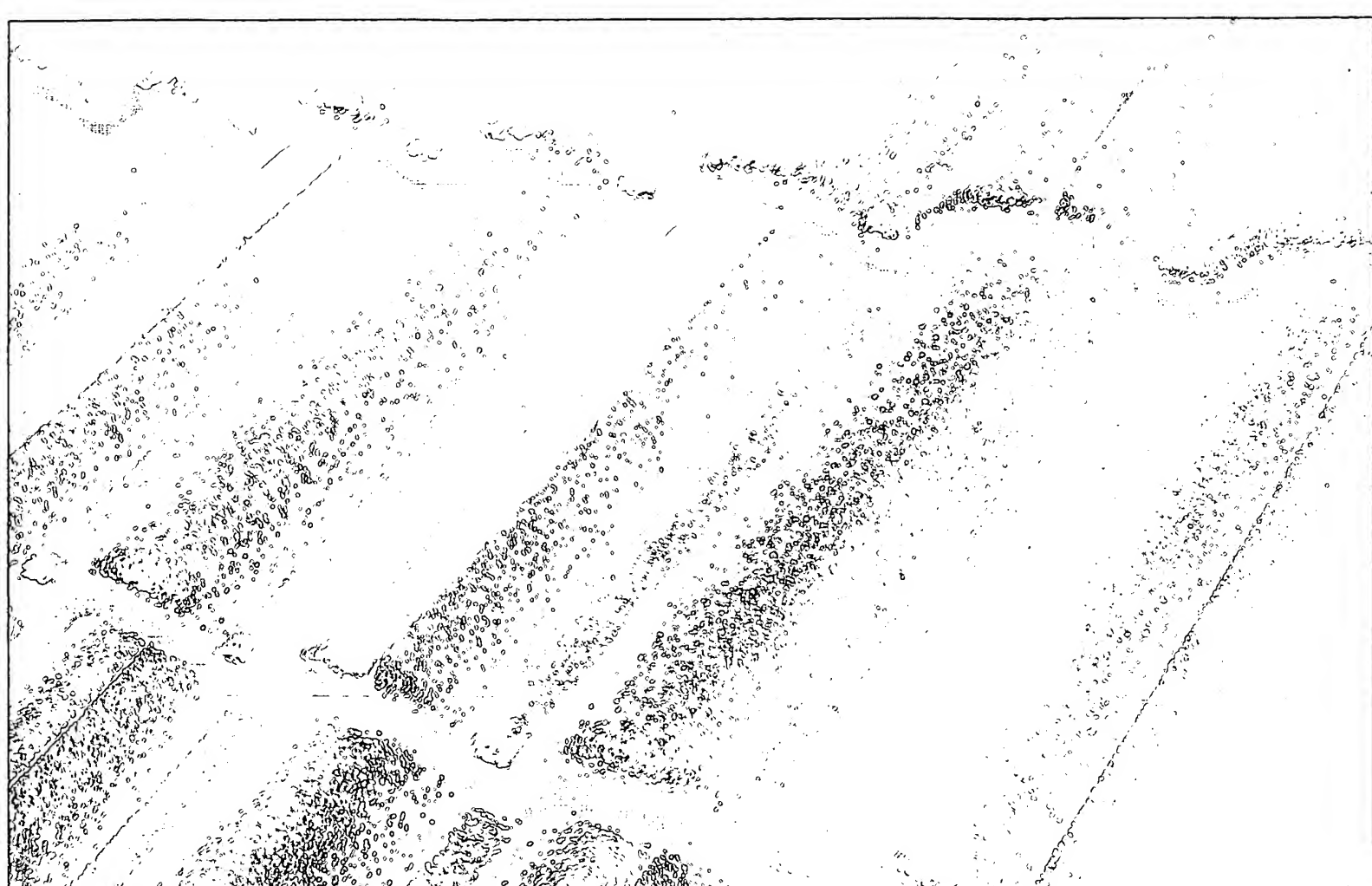
Marble White Slate



Shadow Gray Slate

• The printed colors shown in this brochure may vary from actual tile colors. Before making a final selection, review tile samples and roof installations.

EXHIBIT C



"This is impossible."

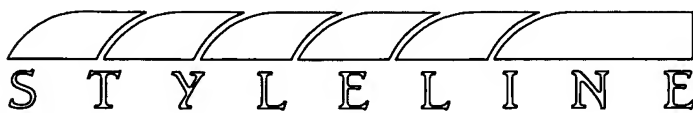
That's what everyone said, and, to be honest, so did we—until that very statement became a challenge.

What you're looking at is a remarkable Monier creation: A dramatically-new concrete roof tile with smooth rounded edges and corners.

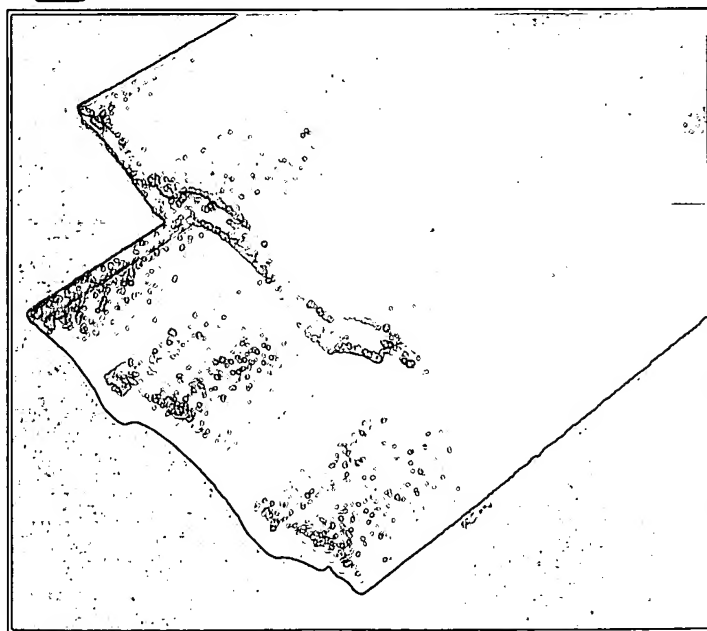
It permits graceful, naturally sloping curves never before available from anyone... a completely new, elegant look.

We call it Styleline. It's been years in development and it's patented, of course. (Your nearest Monier representative has the complete story.)

As for others in our field, well—sorry about that. For them, it's still impossible.



The "leading edge" of concrete roof tiling.

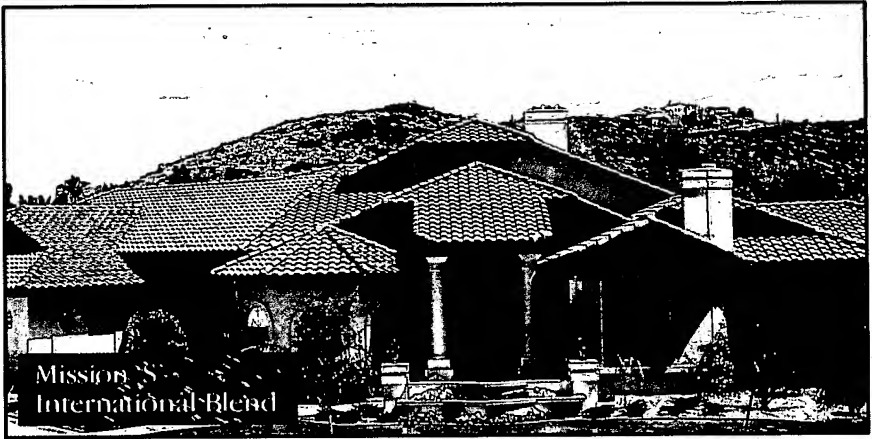


MONIER ROOF TILE

GENERAL OFFICES o P.O. Box 5567 o Orange, California 92613-5567 o 714/538-8822
 1745 Sampson Avenue o Corona, California 91720 o 714/737-3888 800/421-3795 (SC Only)
 P.O. Box 6037 o 9508 South Harlan o Stockton, California 95206 o 209/982-1473 800/692-3733 (NC Only)
 P.O. Box 14307 o 1832 So. 51st Ave. o Phoenix, Arizona 85063 o 602/269-2288

EXHIBIT D

Colors

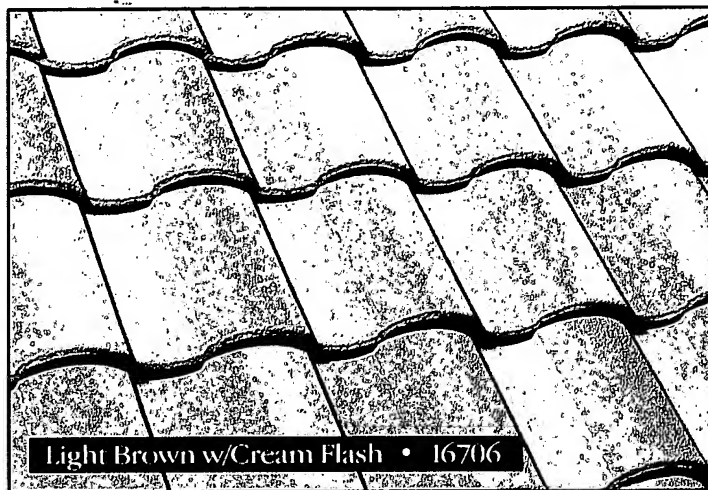
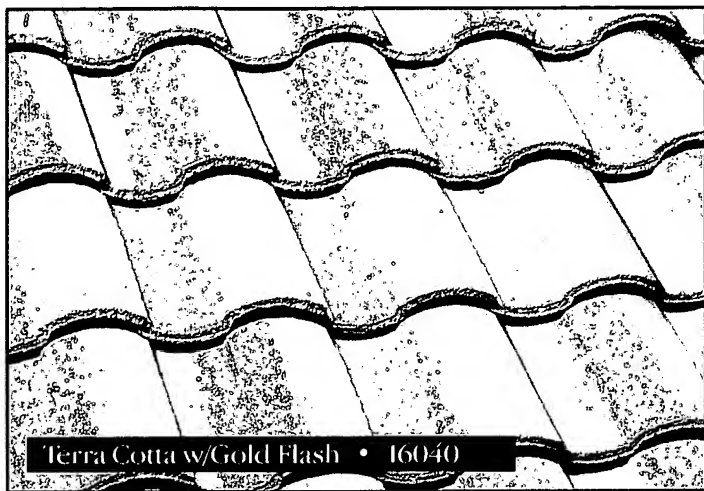


 **MONIER**

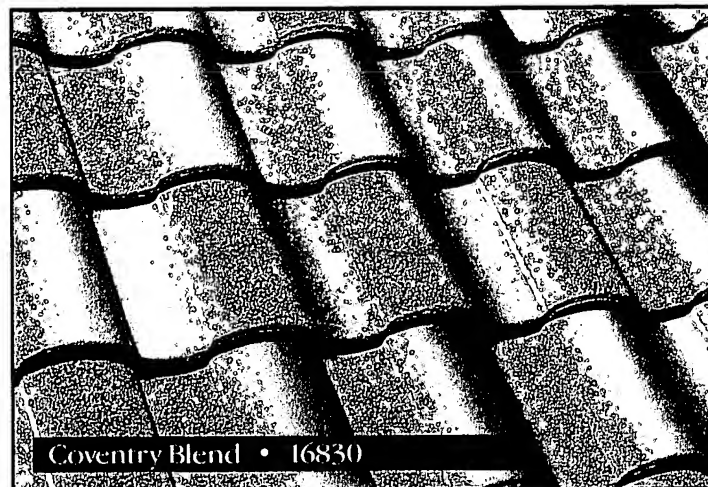
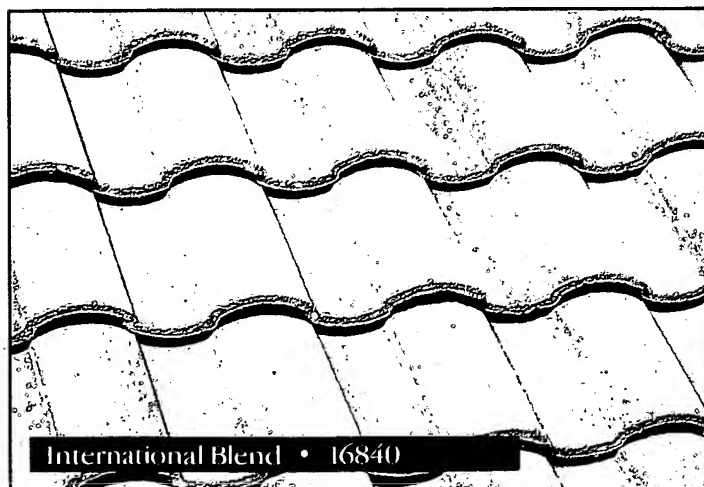
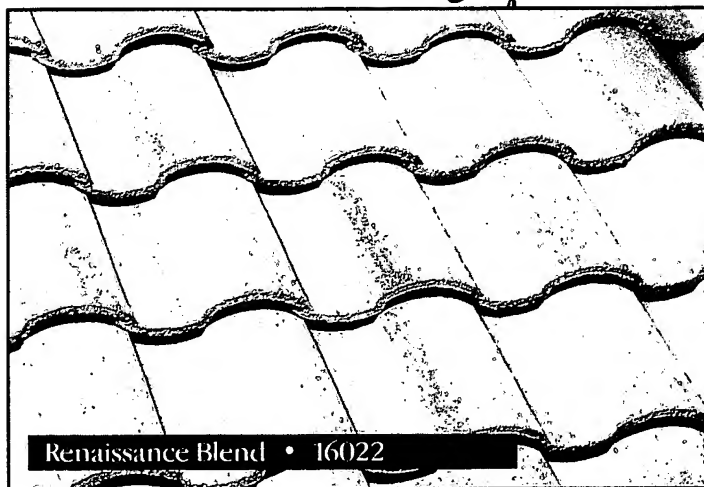
Colors



mission S STANDARD SLURRY COLORS



mission S *Signature* SERIES



Monier compliments the natural beauty of the southwest with color. From soft and subtle to exciting and vivid.

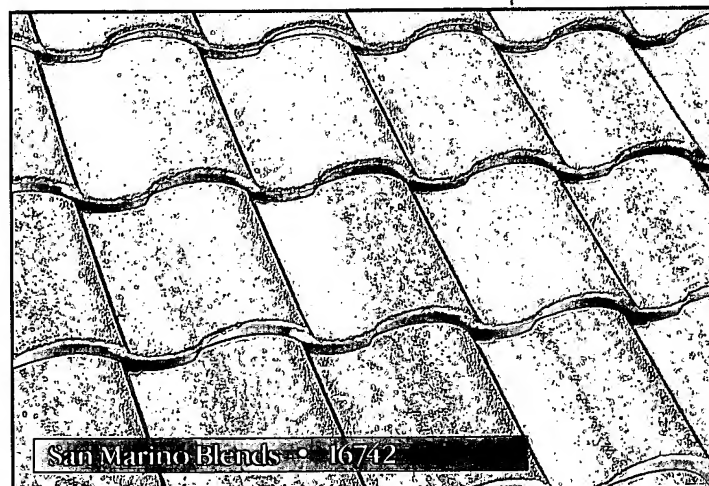
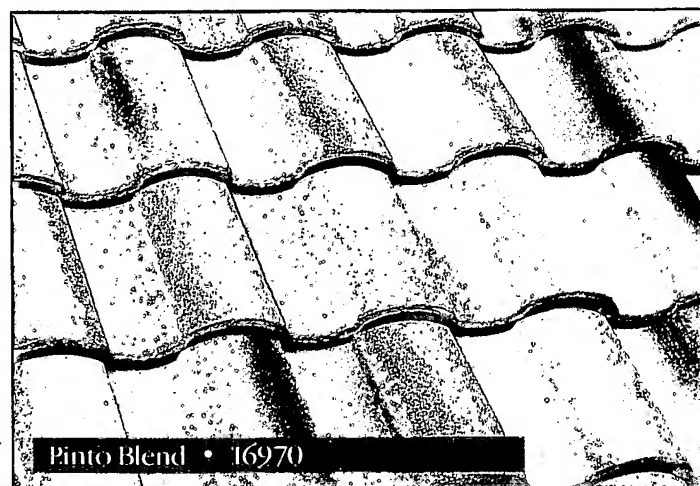
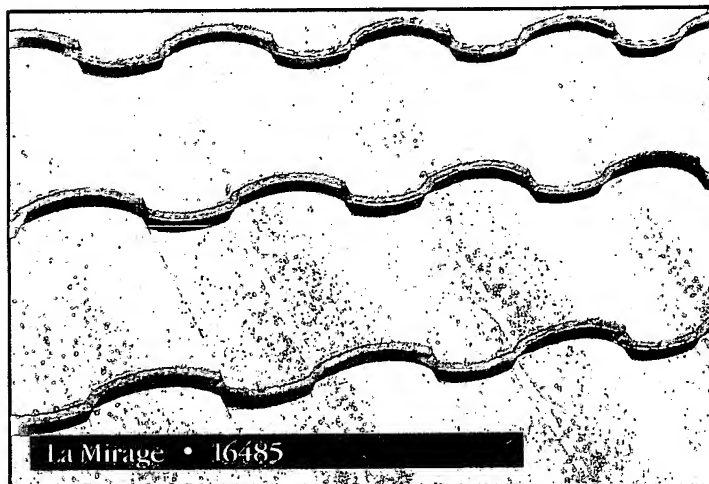
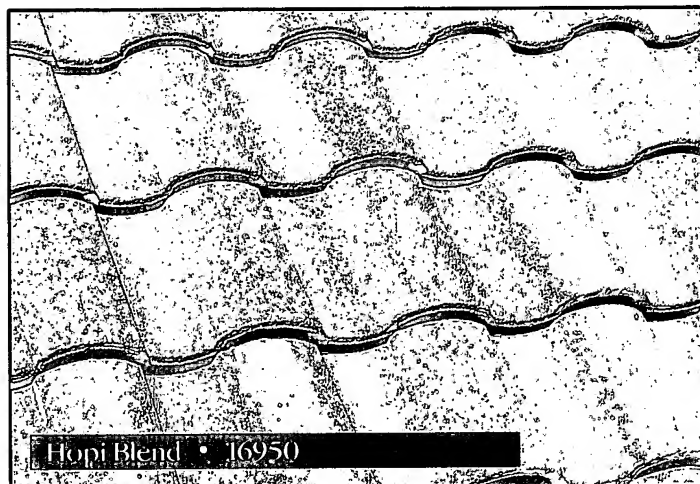
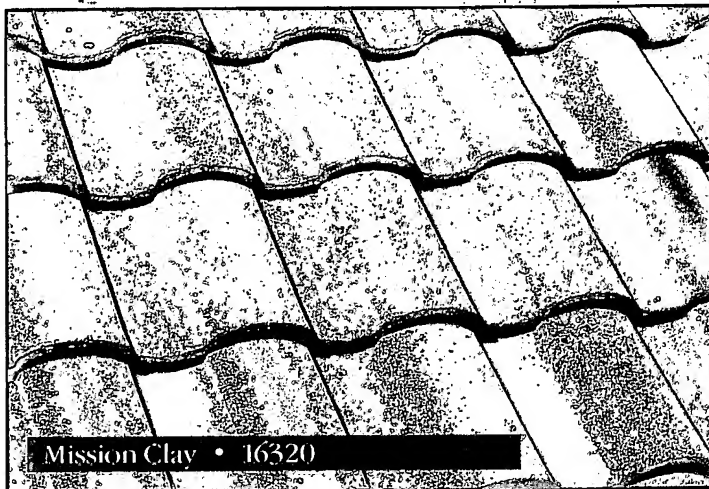
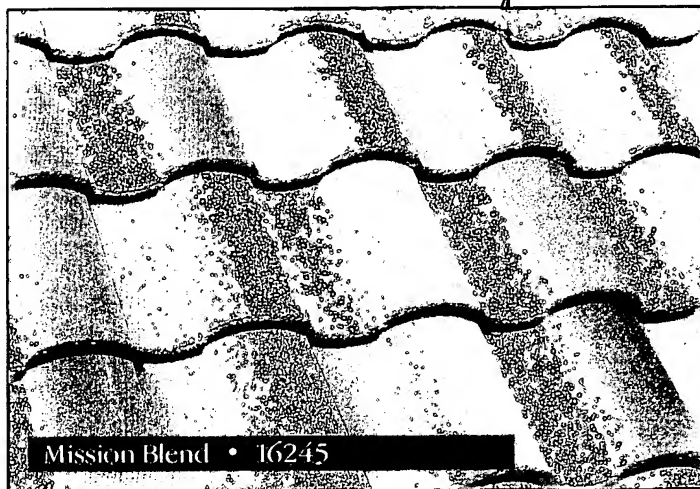
Imagine, the finest quality, premium roof tiles in a rich array of colors that enhance the Southwest's distinctive architecture.

An appealing combination of "color-thru" and slurry-coated tiles result in roofscapes that are uniquely attractive.

Monier Southwest colors. Incomparable. Imaginative. Ideal.

(Consult your local sales representative for accessories, specifications and installation details.)

MISSION S *Signature* SERIES

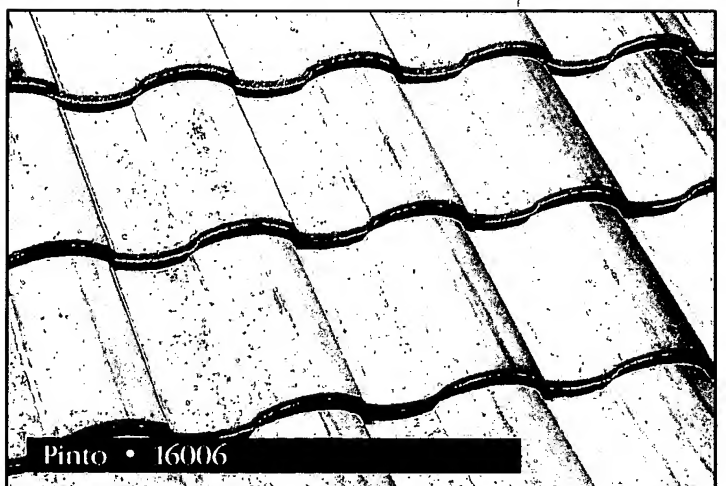
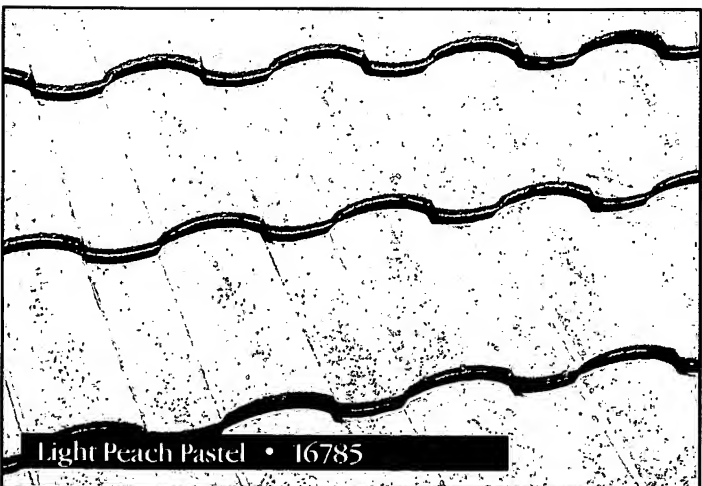
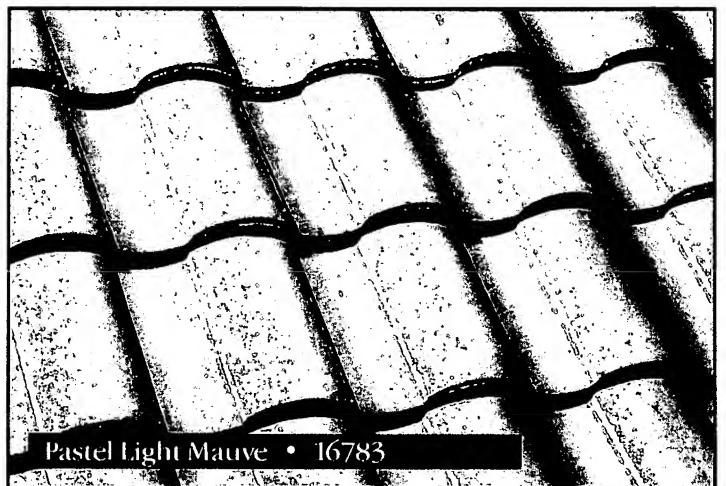
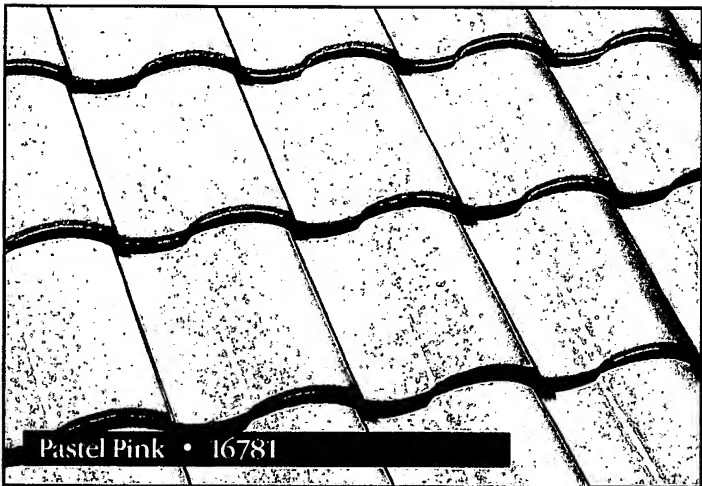
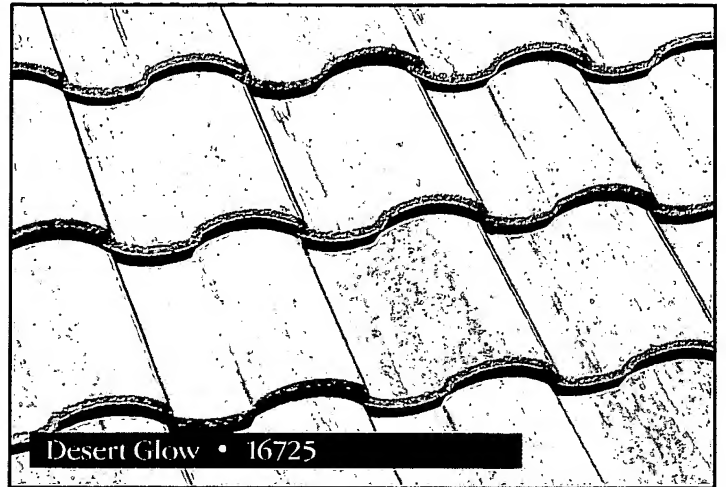
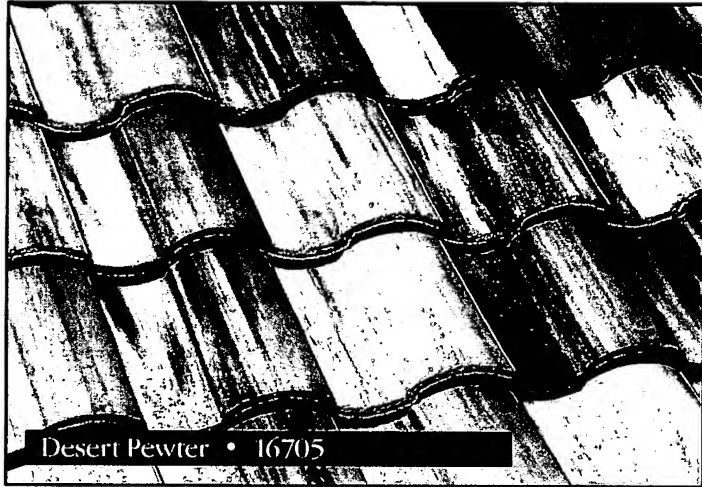


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MISSION S Desert



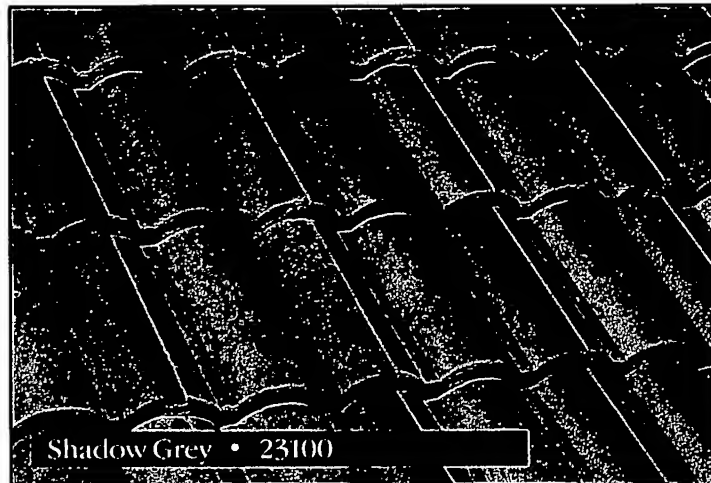
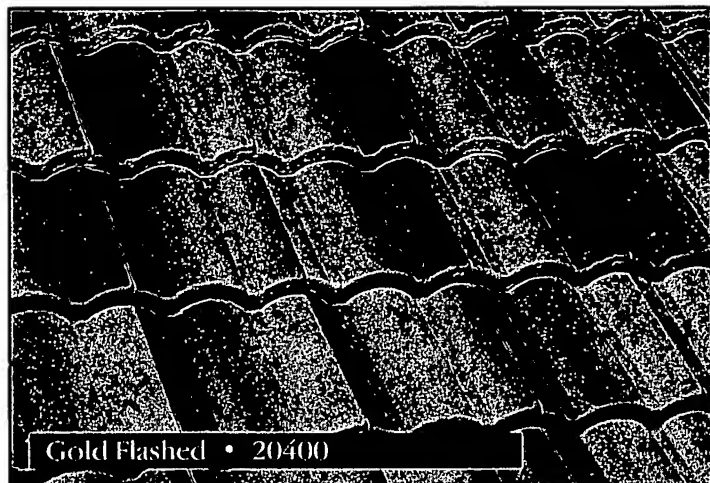
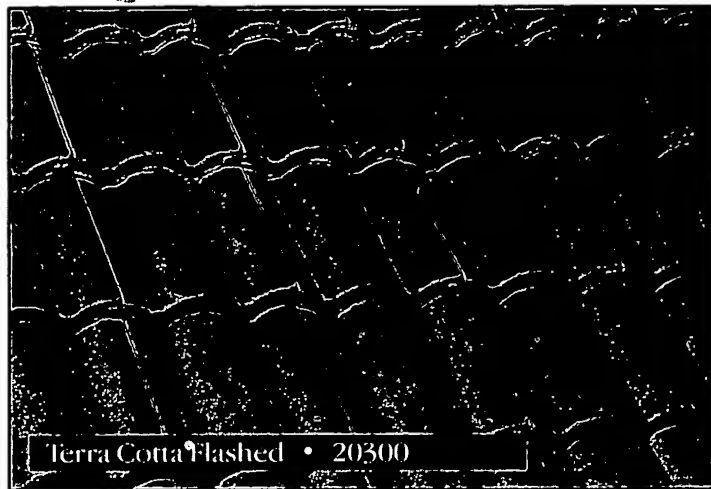
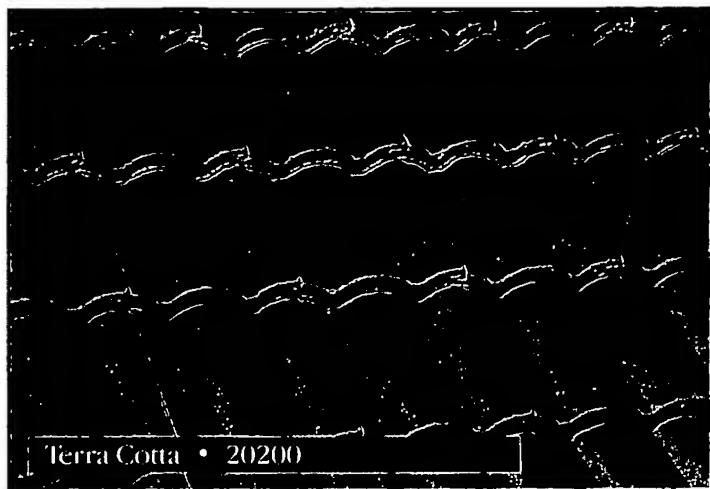
mission S PREMIUM COLOR THRU



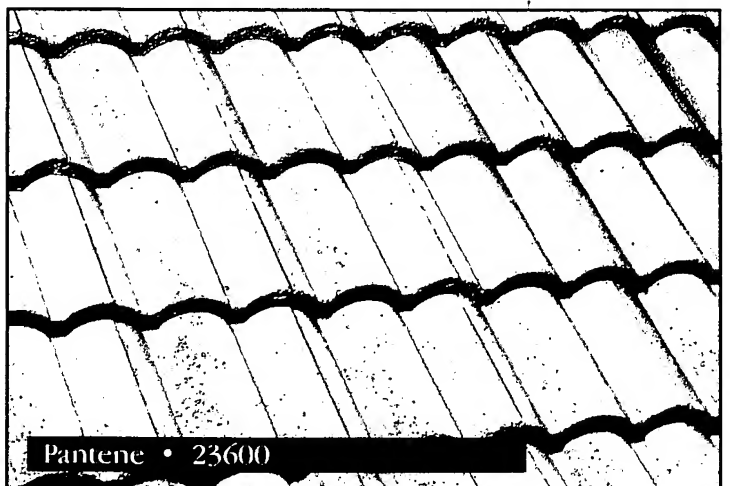
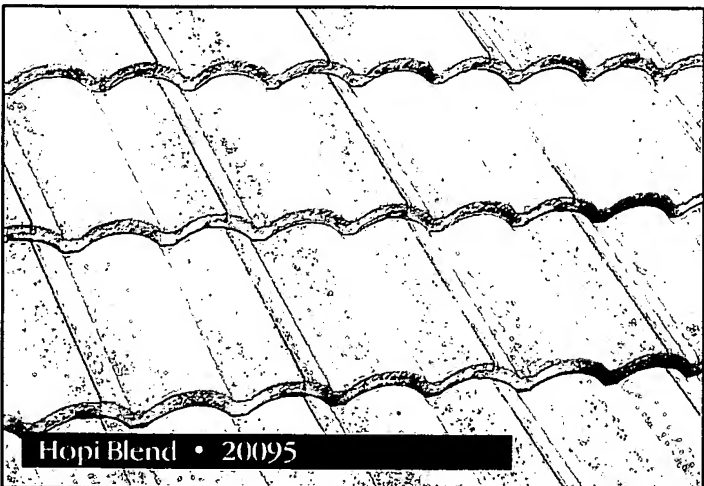
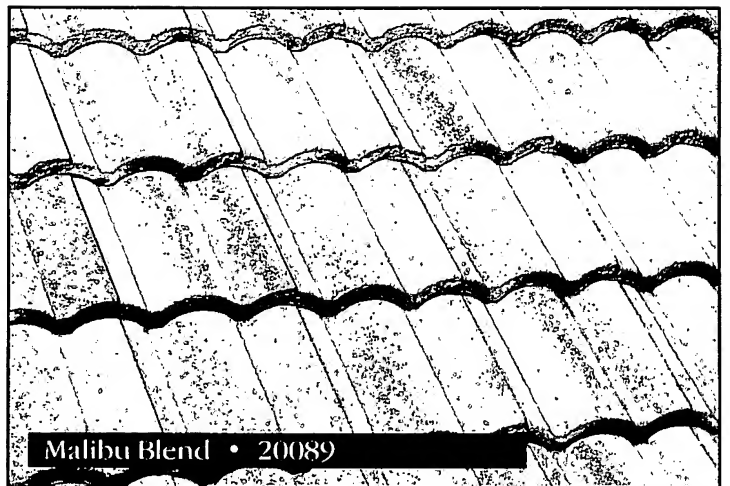
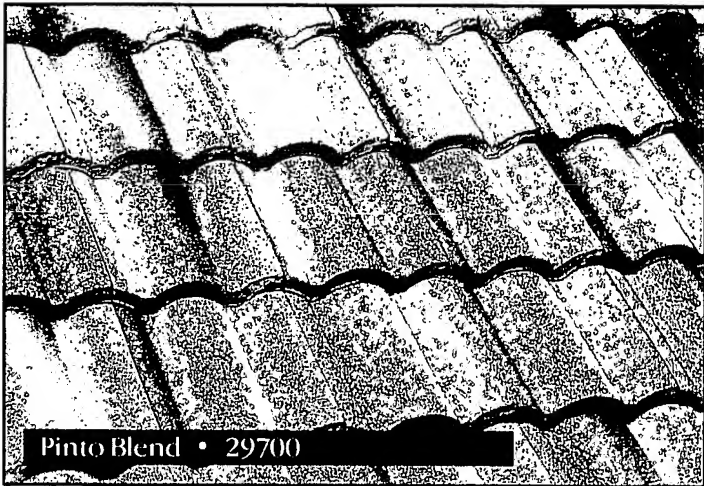
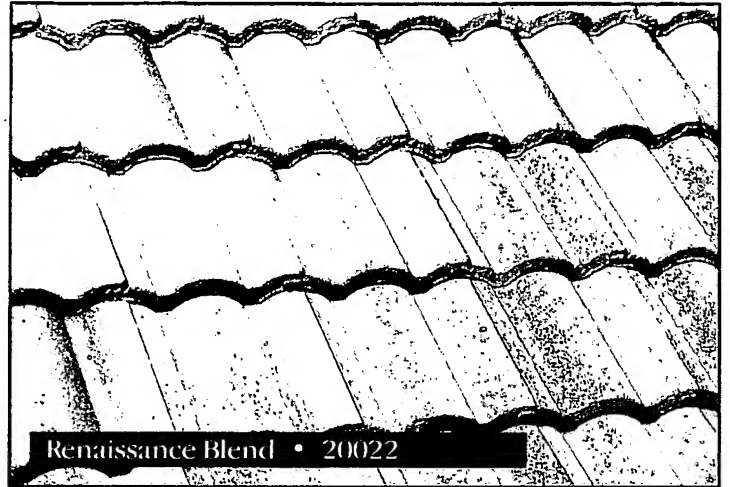
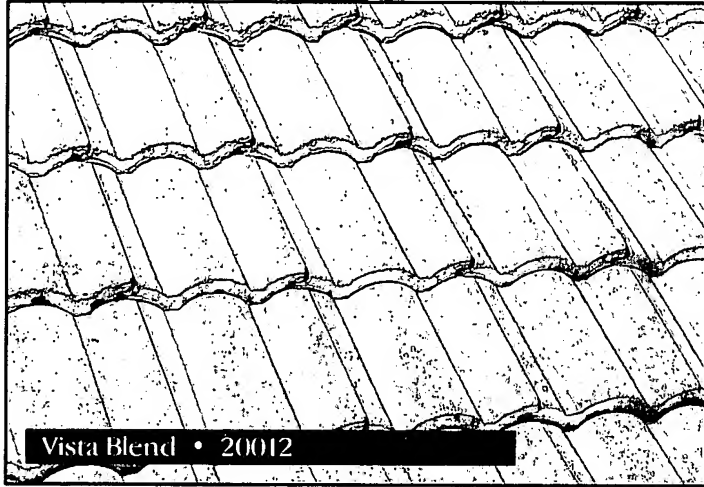
The printed colors shown in this brochure may vary from the actual current tile colors. Before making a final selection, be sure to review actual tile samples and roof installations. Please contact your local sales office for further assistance.

villa

STANDARD SLURRY COLORS



VILLA *Signature* SERIES

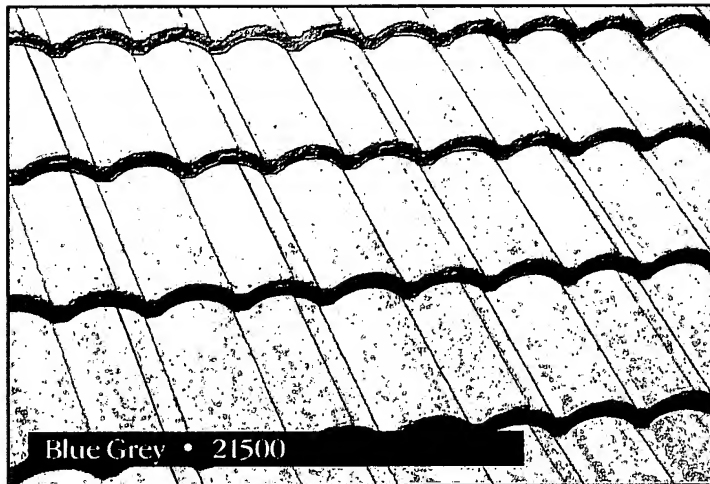
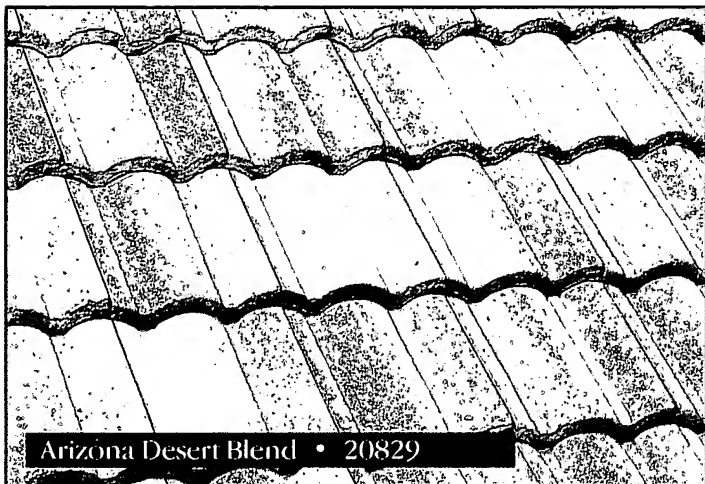
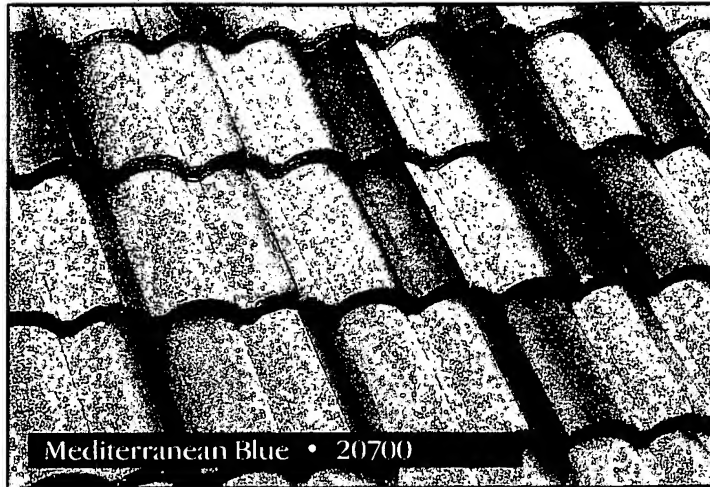


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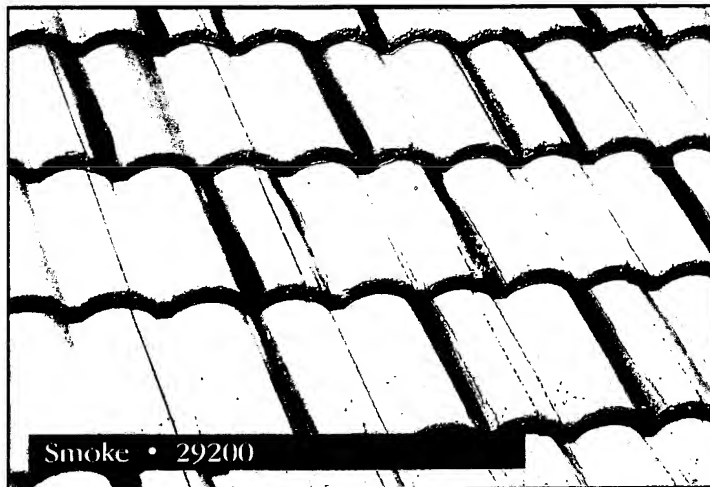
VILLA *Signature* SERIES



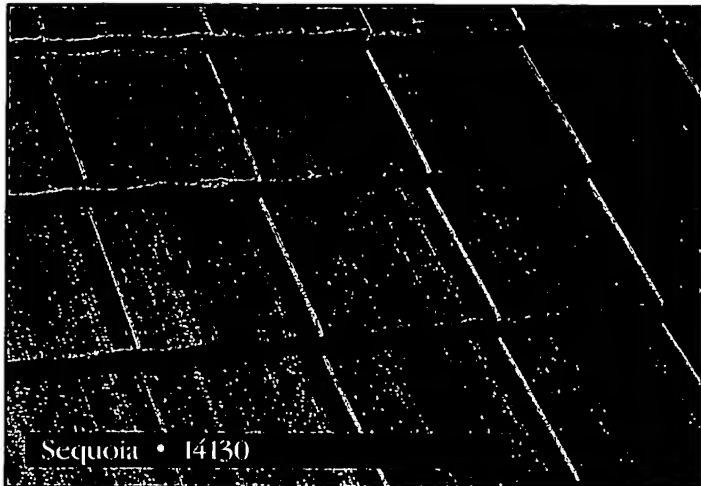
VILLA PREMIUM SLURRY COLORS



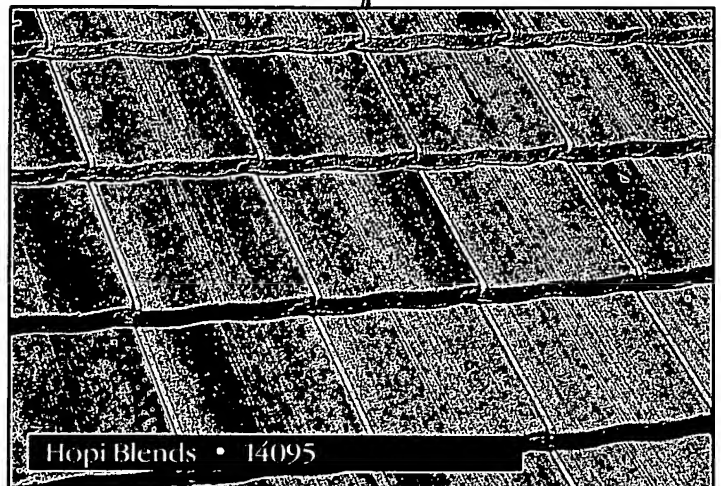
VILLA *Desert* SERIES



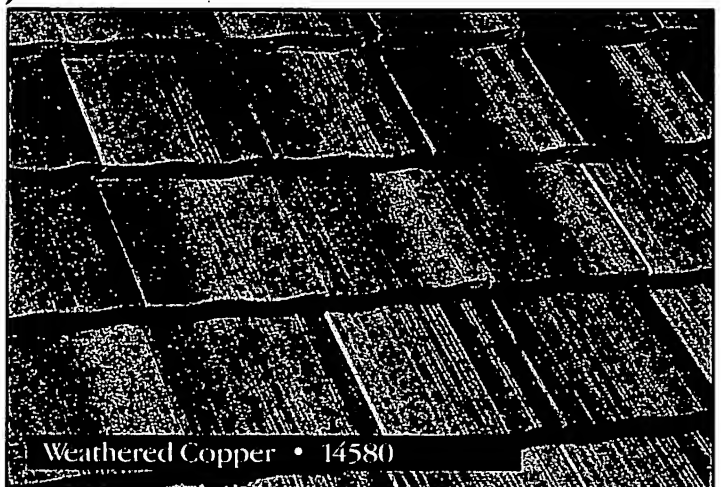
Homeslead STANDARD SLURRY COLORS



Homeslead *Signature* SERIES



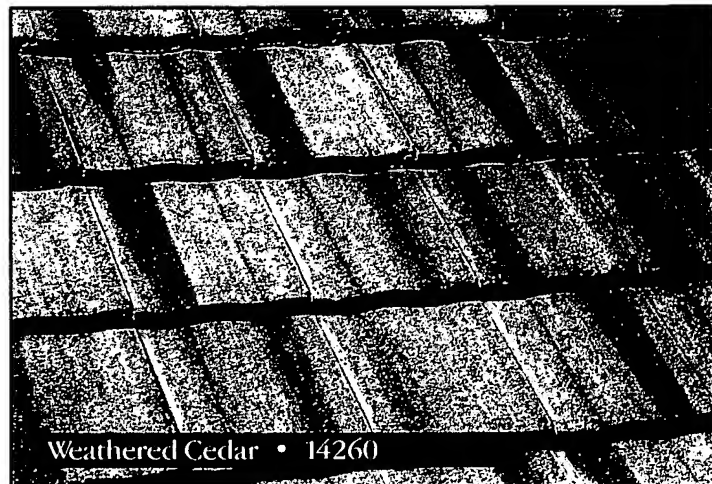
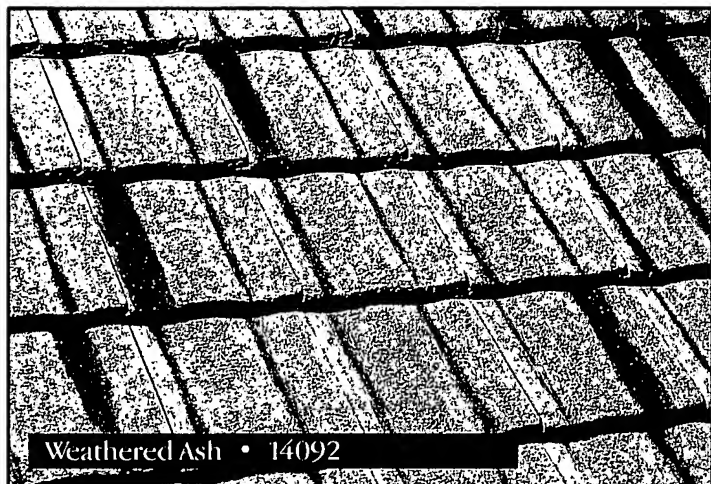
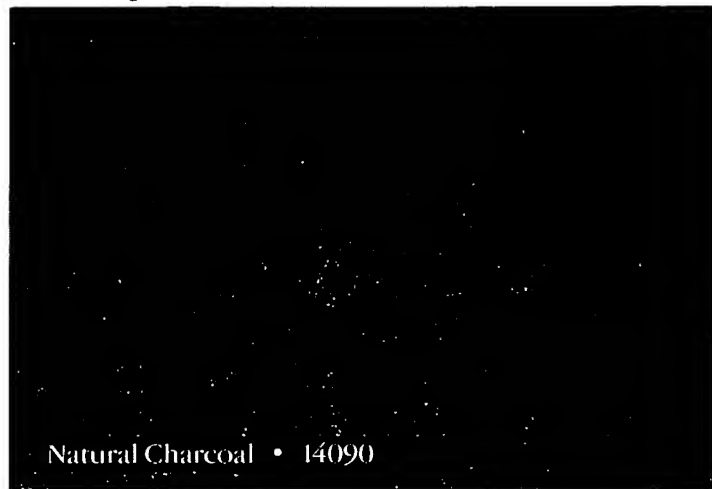
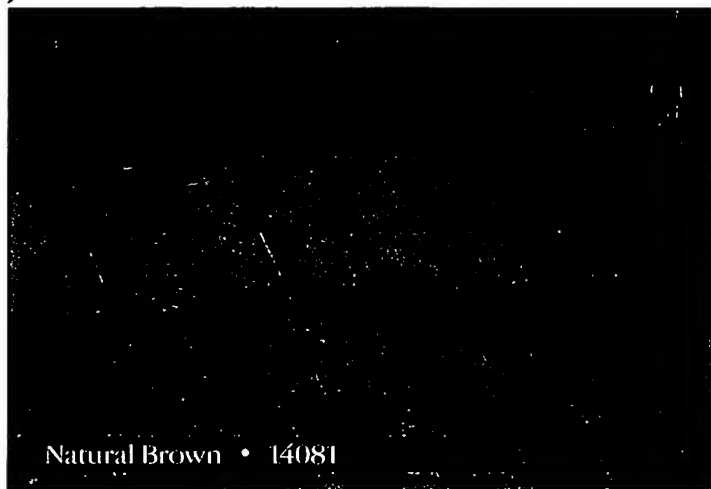
Homeslead PREMIUM SLURRY COLORS —



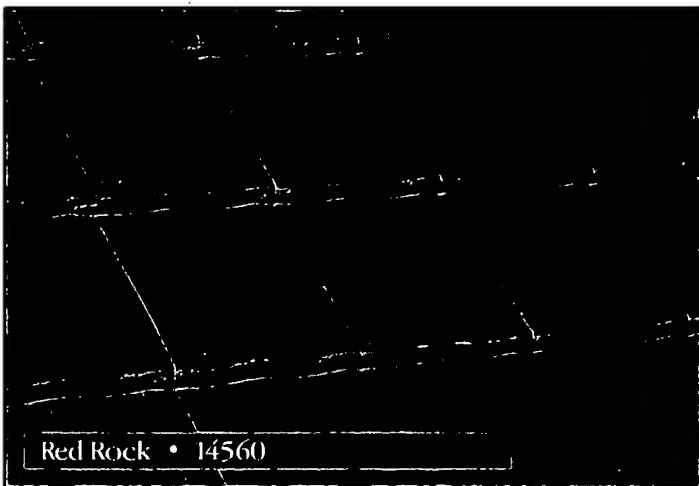
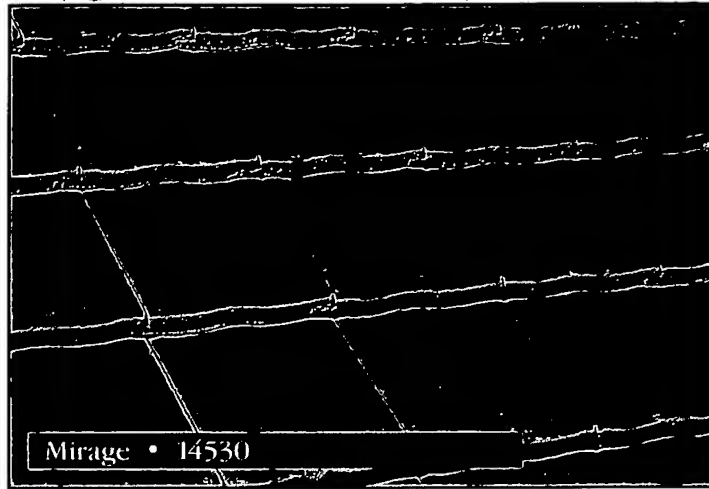
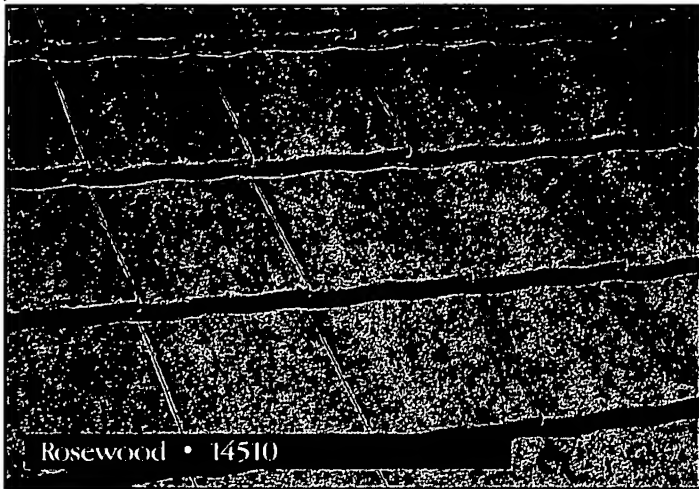
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Homestead

COLOR THRU



Homeslead *Desert* SERIES



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Member of

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The selection shown here only displays our most popular colors and blends. It does not represent our full range of colors and/or options. By contacting your local Monier representative or sales office you will be provided with the latest information regarding additional

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